

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Lands – Adilabad District – Revision Petition – Revision Petition filed by Sri P. Srinivas, S/o Sri Narsaiah and Sri M.Raja Mouli, S/o Sri Laxmaiah, Vidyanagar, Khanapur, Adilabad District against the Proceedings of District Revenue Officer, Adilabad Case No.A1/739/2001, dated.12-4-2003 in respect of rectification of Survey error in Timmapur Village Khanapur Mandal, Adilabad – Revision Petition Disposed off – Orders – Issued.

REVENUE (ASSN.IV) DEPARTMENT

G.O. Ms No. 238

Dated:13-04-2012.

Read the following:-

1. Orders of District Revenue Officer, Adilabad Proceedings Case No. A1/739/2001 dated. 12-4-2003.
2. R.P. filed by Sri P. Srinivas, S/o Sri Narsaiah and Sri M.Raja Mouli, S/o Sri Laxmaiah, Vidyanagar, Khanapur, Adilabad District dt.17-12-2009.
3. Govt. Memo. No. 56922/SS-1/2009-1 dated. 4-1-2010.
4. From Asst. Director, S&LRs, Adilabad Letter Rc.No.A1/739/2001, dt.25.5.2010.
5. .From Commissioner of Survey, Settlements & Land Records, Hyderabad Lr.Rc.No.S1/6804/2010, dated. 10-1 -2011.
6. Govt. Memo. No. 4552/Assn.IV(1)/2011-1 dated. 15-2-2011.

ORDER :

Whereas in the reference 1st read above, the District Revenue Officer, Adilabad has recommended the correction proposals to the Commissioner, Survey & Land Records, Hyderabad for sanction of correction under section 87 of Andhra Pradesh (Telangana Area) Land Revenue Act, for inclusion of 207/2 extent area 1-00 acre in Khata No.(10) against old Sy.No.209 towards its deficit area, while excluding from Government land and also “vice-versa” correction in respect of Sy.No.211 & 308 Khata Nos.10 & 130 respectively.

2. Whereas, in the reference 2nd read above, Sri P. Srinivas, S/o Sri Narsaiah (Revision Petitioner.1) and Sri M.Raja Mouli, S/o Sri Laxmaiah, (Revision Petitioner 2) Vidyanagar, Khanapur, Adilabad District have filed a Revision Petition before the Government, against the orders of the District Revenue Officer, Adilabad contained in the reference 1st read above, and prayed to set aside the order passed by the D.R.O., Adilabad and direct the District Collector, Adilabad to take appropriate steps to cancel the sale deed/s executed in favour of the unofficial respondents Sri Kadem Narayana Reddy Educational Memorial Society, Khanapur (V), Adilabad (Respondent No.2) and Sri L. Narendra Reddy, S/o Sri Ganga Reddy, R/o Khanapur (V), Adilabad District (Respondent No.3) by respondent No.4 viz., Smt. G. Vijayalakshmi, W/o Rajender Reddy, R/o 8-2-674/2/2A, Flat No.3, A-Block, White House, Road No.13, Banjara Hills, Hyderabad as the land in Sy.No.207 is a Government land and also direct the Tahsildar, Khanapur to implement the eviction orders passed under the A.P. Land Encroachment Act in Proceedings F/3343/98. The Revision Petitioners among the other things filed the following grounds in support of their claim:

1. The D.R.O. passed the impugned order after so many years of assigning new survey numbers by condoning the delay, without any petition to condone the delay which is not correct. Section 87 requires prior sanction of Government for correction of any entry after two years. In the present case there is no prior sanction by the Government and without that the D.R.O. has no power to pass an order under Section 87 of A.P.(TA) Land Revenue Act.
2. In the order passed by the D.R.O., Adilabad, it was held that the correction of survey numbers has to be made particularly with regard to Sy.No.209 (old) corresponding to new Sy.No.207 in which case correction of other Sy.Nos. 211 and 308 also has to be made, but when giving some

(PTO)

order about any alteration or correction of other Sy.Nos., it is the bounden duty of the authority to give notice to the owners of land in other survey numbers also before passing the order. No notice was given to the owners of land in Sy.Nos.211 and 308 and therefore the order under appeal is liable to be set aside.

3. The case of unofficial respondents will not attract the provisions of Section 87 of A.P.(TA) Land Revenue Act. That particular section is for correction of any clerical errors. In the present case, it is not a clerical error and the claim of the unofficial respondents also is basing on the Survey error but not on the Survey Report.
4. Under Section 87 of the A.P.(TA) L.R. Act, if there is a confession or admission by all the parties concerned and if it is only a clerical error, then only the provisions of this Section are attracted. In the present case, there is no admission by the land owners of Sy.Nos. 211 and 308 as such, the order passed by the D.R.O. is not correct.
5. The D.R.O. passed the impugned order after so many years of assigning new survey numbers by condoning the delay, without any petition to condone the delay which is not correct. Section 87 requires prior sanction of Government for correction of any entry after two years. In the present case there is no prior sanction by the Government and without that the D.R.O. has no power to pass an order under Section 87 of A.P.(TA) Land Revenue Act.
6. As per Section 10 of A.P. Survey and Boundaries Act, notice must be given to all the neighboring lands before commencing the survey. In the present case, no such notice was given to the neighboring owners if it is treated as a survey error. The unofficial respondents are having Ac.4.30 guntas in their possession, even without including the land in Sy.No.207. The land came to the share of Limba Reddy is Ac.1.27 guntas. The share of Narayana Reddy is Ac.2.19 gts in Sy.Nos.208, 307, 308 and 209. Apart from this in Sy.No.211 they are in possession of Ac.0.24 guntas. Totally it is coming to Ac.4.30 acres. If at all any correction is needed, the land admeasuring Ac.0.24 guntas has to be included in their other survey numbers but they need not encroach into the Government land in Sy.No.207. It is not the case of the unofficial respondents that they purchased the land of Ac.0.24 guntas in Sy.No.211 separately. So the total land held by them which was succeeded from G. Narsimha Reddy should not exceed their total holding of Ac.4.30 guntas for which they are entitled.
7. The Resurvey of Timmapur Village was conducted in the year 1952 and the Settlement rates were announced on 20-6-1961. The petition for correction of settlement error was received on 9-7-2001 with a delay of 40 years which ought not to have been allowed by the first respondent.
8. The other reasons assigned by the D.R.O. are not true and correct.

3. Where as in the reference 3rd above, the Govt has suspended the Proceedings of the DRO, Adilabad in the reference 1st read above pending disposal of the Appeal duly condoning the delay and the District Collector, Adilabad was requested to offer his remarks in the matter and furnish the original records of the Revision Petition.

4 Where as in the reference 4th read above, the Assistant Director, O/o Survey and Land Records, Adilabad has furnished the connected files in original together with the Para-wise remarks on the Revision Petition.

5. Where as in the reference 5th read above, the Commissioner, SS&LR., Hyderabad has observed that, the impugned order of the DRO is in the nature of a recommendation and It does not have the effect of altering the status of Government land in S.No. 207 of Thimmapur. The DRO did not give any valid reasons for condoning

the delay of over 40 years. The Tahsildar's order under AP Land Encroachment Act was already implemented and possession was taken on 11-3-1999 and directed the Collector, Adilabad to protect the Government land in S.No. 207 and also defend the case of the Government effectively in OS.No.20/2009.

6. Whereas in the reference 6th read above, the Collector, Adilabad has been requested to maintain a status-quo prevailing as on 30-1-2011 with regard to the land and structures in the Sy No. 207 to an extent of Ac 2.00 until the Revision Petition is disposed off.

7. And whereas the Revision Authority heard the case on 20-1-2012, The Advocate for the Petitioners and Respondents have attended the hearing and argued the case and reiterated the grounds filed in the Revision Petition. The Tahsildar, Khanapur Mandal also attended along with the connected records.

8. The Revision Authority, after hearing the arguments of the Advocates of the Revision Petitioners and Respondents and also after perusing the original records relating to the Proceedings of the DRO, Adilabad, the Revision Authority is in the opinion that the orders of DRO, Adilabad are advisory in nature and the appeal against the orders of DRO are not in the interests of justice and therefore this Authority decided to remand the case to the CSS& LR, Hyderabad for taking further necessary action as per the rules. Accordingly, the Revision Petition filed by Sri P. Srinivas S/o Sri Narsaiah & other in the reference 2nd read above is hereby disposed off.

9. The following records in respect of O/o the Asst Director, Survey and Land Records, Adilabad received through the reference 4th read above are returned herewith and acknowledge the same:

- i) A1/739/2001 CFP 408 NFP 32 Total 440 pages (new)
- ii) A1/739/2001 CFP 110 NFP 16 Total 126 pages (old)

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ANIL CHANDRA PUNETHA
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri P.Srinivas, S/o Sri Narsaiah and Sri More Rajamouli, S/o Sri Lakshmaiah, R/o Vidyanagar, Khanapur (M), Adilabad District. (Petitioners)
Sri L. Narender Reddy, S/o Ganga Reddy, (Respondent), R/o Khanapur Village, Adilabad District
(Through Tahsildar, Khanapur, he is requested to serve the order to the RPs & Respondents & the acknowledgement to Government immediately).
Smt. G.Vijayalakshmi, W/o Rajender Reddy, (Respondent), R/o 8-2-674/2/2A, Flat No.3, A Block, White House, Road No.13, Banjara Hills, Hyderabad.
The Collector, Adilabad District.
The Tahsildar, Khanapur Mandal, Adilabad District.
Sri K.V.Krishna Rao, Smt. A. Supriya & G. Subash (Counsel for Petitioners), # 202, Sri Sai Sudha Residency, Chikkadapally, 1-1-336/43, Hyderabad – 500 020.
Sri K.Vishweshwar Reddy & Sri Avinash Desai (Counsel for Respondents), 2nd Floor, SVSKL Mansions, 3-6-369/A/18, Street No.1, Himayatnagar, Hyderabad -29.
The Commissioner of Survey Settlements and Land Records, A.P., Hyderabad.
The Assistant Director, Survey and Land Records, Adilabad.(w.e)

// forwarded by order //

SECTION OFFICER